

## MEETING MINUTES, BOARD OF ZONING APPEALS, FEBRUARY 13, 2006

**Present:** Shan Rutherford, Janet Eades, Phil Tinkle, Mike Campbell, Raynel Berry, Asst. City Attorney; Deborah Luzier, Senior Planner; and Amy Senteney, Acting Recording Secretary

The meeting was called to order at 6:05 p.m. by Phil Tinkle, Acting Chairman.

### **ELECTION OF OFFICERS**

Chairman – Shan Rutherford moved to nominate Phil Tinkle, seconded by Janet Eades. Vote for approval was 4-0. Motion carried.

Vice-Chairman – Shan Rutherford moved to nominate Janet Eades, seconded by Mike Campbell. Vote for approval was 4-0. Motion carried.

### **PREVIOUS MINUTES**

December 12<sup>th</sup> – Eades moved to approve the minutes, seconded by Rutherford. Vote for **approval** was unanimous, 4-0. **Motion carried.**

### **NEW BUSINESS**

**Docket V2006-002 – Dimensional Variance** – Colson – located at 20 Crestview Dr., on sw corner of Crestview and Northgate Dr., 0.20 acre lot zoned R-2 – petitioner is requesting to allow an existing privacy fence in the front yard on a corner lot – petitioners and owners are Brian & Joanna Colson.

Petitioner addressed the criteria as follows:

1. **Criteria:** The approval will not be injurious to the public health, safety, morals, and general welfare of the community; **Answer:** Privacy fences are a permitted use in residential districts. The existing fence does not inhibit visibility at the intersection or along the roadway.
2. **Criteria:** The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. **Answer:** The existing fence does not have a negative impact on surrounding properties. In fact, the fence provides additional privacy for the neighbor to the south. Petitioners were in discussions with neighbors while fence was being built.
3. **Criteria:** The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. **Answer:** There is no a provision that allows privacy fences in the "side yards" of corner lots. Petitioners backyard is very narrow. The privacy fence provides safety for their two small children and gives them more yard to play in.

Brian Colson stated that there had been a chain link fence there previously. Phil Tinkle stated he had driven by the property and the fence does not inhibit visibility for either pedestrians or motor vehicles.

There were no further questions or comments. Janet Eades moved to admit the file, affidavits, notices, staff report, testimony and certified copies of the zoning ordinance and comprehensive plan into the record, seconded by Shan Rutherford. Vote for **approval** was unanimous, 4-0. **Motion carried.**

Rutherford moved to approve V2006-002, seconded by Campbell. Vote was 4-0. **Motion carried.**

Rutherford moved that having considered the statutory criteria that we direct the City Attorney's Office to draft written Findings of Fact, regarding our decision approving Variance Petition Number V2006-002, said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as our final decision and final action regarding this Petition at our next meeting, seconded by Janet Eades. Vote for **approval** was unanimous, 4-0. **Motion carried.**

**ANNOUNCEMENTS/REPORTS**

No filings for next scheduled meeting.

Rutherford moved to adjourn, seconded by Eades. Vote for **approval** was unanimous, 4-0. **Motion carried.** Meeting was adjourned at 6:20 p.m.

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AMY SENTENEY  
Acting Recording Secretary

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PHIL TINKLE  
Chairman